

89, and responds to issues raised in the Advisory Action. Support for the new claims can be found throughout the specification including, for Example, at Figure 1.

No new matter has been added. Entry of the amendments and reconsideration on the merits are respectfully requested.

Response to issues raised in the Advisory Action

At page 1 of the attachment to the Advisory Action, the Examiner suggests that Applicant's argument concerning the indefiniteness rejection of claims 44-76 and 78-87 is incongruous with Applicant's previous arguments.¹ In particular, the Examiner points to page 21 of Paper No. 33 (Response to Office Action, filed November 9, 2001) and alleges that Applicant admitted the terms "coupled to" and "directed to" are synonymous and interchangeable. The Examiner then summarily dismisses Applicant's response to the § 112 rejection of claims 44-76 and 78-87, on the basis that Applicant's alleged admission precludes Applicant's later arguments.

Applicant respectfully submits that the Office has misconstrued Applicant's arguments. At page 21 of Paper No. 33, Applicant explained why the obviousness rejection over U.S. Patent No. 5,231,571 to D'Agostino in view of U.S. Patent No. 4,992,940 to Dworkin should be reconsidered and withdrawn. In pointing out the deficiencies of the references, Applicant argued that each of the rejected independent claims contained at least one element neither taught nor suggested by D'Agostino or Dworkin. Applicant's discussion recited pertinent portions of independent claim 30 to stress that the claim refers to a computerized central communications facility coupled to a plurality of other computerized central communications facilities. Applicant's discussion also recited pertinent portions of independent claims 44 and 70 to stress that these claims refer to a computerized central communications facility that directs a

¹ The sentence appearing at page 1, lines 22-26, of the attachment to the Advisory Action is incomplete and will not be addressed.

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customer to another computerized central communications facility. The sections identified by the Examiner have no explicit or implicit argument to the effect that "coupled to" is synonymous with "directed to."

Further, in the Response to Office Action filed April 30, 2002, at pages 6-8, Applicant addressed the § 112 rejection which had alleged, specifically, that the specification did not disclose "a computerized central communications facility that is adapted to be coupled to a plurality of other computerized central communications facilities." (See paragraphs 3 and 4 of the Office Action mailed January 31, 2002, emphasis added.) Applicant respectfully traversed the § 112 rejection of independent claims 44, 59, 70, 82 and 87 on the ground that none of these claims recite a computerized central communications facility coupled to another computerized central communications facility. Indeed, the language "coupled to" does not appear in these claims. Clearly, the Office cannot challenge claims for lack of § 112 support where the claims do not even recite the allegedly unsupported language. See, e.g., MPEP §2163.04.

At the paragraph bridging pages 1 and 2 of the attachment to the Advisory Action, the Examiner disregards Figure 1 of the specification as providing support for the claimed features and states: "Since the specification is silent with respect to computerized central communications facility coupled to another computerized central communications facility as claimed, the Examiner can only conclude that this feature was not part of Applicant's invention at the time of filling."² Applicant respectfully disagrees with the Examiner's conclusion and explanation for maintaining his prior position. For the purposes of § 112, first paragraph, the drawings are considered to be a part of the specification. The Examiner has not provided any statutory basis or case

² The Examiner also disregards the Specification's references to an electronic telephone directory which directs a customer at computerized remote facility from one computerized central communications facility to another computerized central communications facility on the grounds that the so-called "directed to" feature "seem to" contradict applicant's previous arguments. This conclusion was addressed above.

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law in support of the assertion that absent a expressed description of the drawings in the specification, figures submitted by an Applicant at the time of filing can be disregarded. Indeed, the case law contradicts the Examiner's assertion. See, e.g., *Vas-Cath Inc. v. Mahurkar*, 19 USPQ2d 1111, 1118 (Fed. Cir. 1991) (drawings alone can provide sufficient disclosure to comply with 112 invention description requirement.) Thus, the Office must consider the drawing for everything that it discloses or explain why the drawing was not considered.

Notwithstanding, in order to further the examination of this application and in response to the Examiner's invitation, Applicant amended the specification to further describe FIG. 1 of the specification. The amendment merely describes the embodiment of FIG. 1 in words; it does not add any new matter. It is respectfully submitted that the specification (including FIG. 1) supports the various recited claim elements including (i) a computerized central communications facility linked to other computerized central communications facilities, (ii) a computerized central communications facility capable of directing the customer at the remote facility to another computerized central communications facility, or (iii) a computerized central communications facility coupled to other computerized central communications facilities.

Finally, at page 2 of the attachment to the Advisory Action, the Examiner considers U.S. Patent No. 5,899,982 to Randle as prior art against claims 44-55, 57-65 and 67-76. Applicant respectfully submits that Randle is not prior art against the instant claims because the claims find sufficient support in Applicant's earlier filed application (Serial No. 08/268,309 filed June 29, 1994). At pages 18-40 of Applicant's Response to Office Action (filed April 30, 2002), Applicant provided a detailed citation to support for each of the rejected claims including pointing out, with particularity, support for one computerized central communications facility directing a remote facility to another computerized central communications facility. The Examiner is kindly requested to reconsider the support provided in Applicant's prior Response.

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CONCLUSION

It is respectfully submitted that claims are in condition for allowance and a notice to this effect is earnestly solicited.

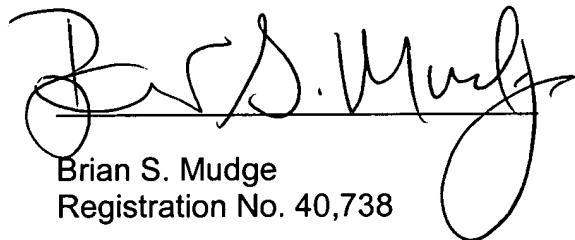
The Examiner is invited to contact the undersigned attorney if a telephonic communication is believed to be helpful in advancing the examination of the present application.

The Examiner is reminded of co-pending application No. 09/504,374 by the same inventor as in the instant application.

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. §1.16 or §1.17 to Deposit Account No. 11-0600.

Respectfully submitted,

Date: 10/21/02



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Red-lined Copy of the Amendment

IN THE CLAIMS

Please amend the claims as follows:

50. (AMENDED) The apparatus of claim 44, wherein said central communications facility is further adapted to provide live customer assistance is an interactive form of assistance upon request.

67. (AMENDED) The method of claim 59, ~~wherein said further comprising providing live assistance to said remote facility to assist browsing said first or said second database is interactive.~~